

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

**I. STATUS OF THE CLAIMS**

Claims 1-2, 4-13, 15 and 17-27 are currently pending and under consideration.

**II. REJECTIONS OF CLAIMS**

The rejections based on Kawamata and Fette are respectfully traversed. As previously noted, independent claim 1 (used herein as an example) recites determining that files necessary for a mobile station to receive a service are not stored at the mobile station. The Examiner currently responds by relying upon four separate portions of Fette. However, none of these portions teach the claimed feature.

First, the Examiner relies upon column 3, lines 15-21. This portion refers to incompatible services, but does not specify the process of overcoming this problem. Thus, this portion does not teach the claimed determining.

The Examiner also relies upon column 3, lines 26-36. This portion lists various types of information. However, this information does not include whether the necessary files are not stored at the mobile station.

The Examiner also relies upon column 7, line 50 to column 8, line 10. However, this portion discusses checking whether a grant of rights exists. This grant of rights is independent of whether the necessary files are stored. For example, the files could be stored in violation of the grant of rights, or the files may not be stored, even though the rights were granted.

Finally, the Examiner relies upon column 4, lines 26-36. This portion teaches that the radio 200 sends messages to server 110 to request software updates. Fette, col. 4, ln. 30-32. However, there is no teaching regarding why these updates are requested. Thus, there is no teaching that the requested updates are necessary for a mobile station to receive a service. These updates could be provided for other reasons. For example, an operator who is unfamiliar with his own personal software requirements may assume that any available update is necessary to his own system. Although these updates may provide advantages to other operators with different system requirements, the updates are not necessary for this operator's own particular purposes. However, the operator may request these updates nonetheless out of

ignorance, even though they are not necessary. Furthermore, the updates may be necessary to the operator's own internal operations, as opposed to being necessary to receive a service.

Independent claim 1 also recites if the application software transmission requiring message is received, transmitting the application software files to the mobile station; and if the application software reception requiring message is received, receiving the application software files from the mobile station. Thus, the application software is not only downloaded, but also uploaded from the mobile station to the application software distribution system. An advantage of this feature is that memory is saved in the mobile station by transmitting a software program that is less-used in the mobile station. The Examiner relies upon column 9, lines 20-28 of Fette. However, this portion refers to the message for acknowledging the information at the radio and updating a database to reflect information received by a radio.

Kawamata and Criss do not overcome these deficiencies in Fette, and are not relied on by the Examiner to do so.

In view of the above, it is respectfully submitted that the rejections are overcome.

### III. CONCLUSION

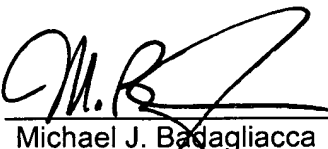
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-12-06

By:   
Michael J. Badagliacca  
Registration No. 39,099

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501